



BRUSSELS CINCINNATI CLEVELAND COLUMBUS DAYTON WASHINGTON, D.C.

February 19, 2002

By Messenger

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street NW
Washington DC 20423-0001

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RE: No. 42060, North American Freight Car Ass'n. - Protest and Petition for Invest. (and Related Nos. 42061, 42062, 42063 and 42064)

Dear Mr. Williams:

On October 18, 2001, the Board served an order in the above proceedings holding them in abeyance so that "discussion [c]ould be held on an industry-wide basis" with regard to the issues raised by the parties that related to the 1986 Agreement approved by the Board's predecessor in its Docket Ex Parte No. 328, *Investigation of Tank Car Allowance System*. On November 5, 2001, all of the parties to these proceedings submitted a joint motion to the Board requesting that the industry-wide discussions be in turn held in abeyance while the parties to the proceedings explored whether they could resolve the issues in the proceeding without the need for reopening the 1986 Agreement.

On November 20, 2001, the Board served an order which, *inter alia*, held the October 18 order in abeyance for 45 days, or until January 4, 2002. The Board's decision also required the parties to inform the Board if they could not reach a resolution. On January 3, 2002, the parties requested an additional period of 45 days for continuation of the discussions, which was granted by the Board in a decision served on January 8, 2002. That extension expires on February 19, 2002.

The parties have continued their efforts to pursue discussions that might lead to a resolution of the issues involved in the application of the private car storage charges and procedures established by the two rail carriers, Burlington Northern Santa Fe Ry. Co. ("BNSF") and Union Pacific Railroad Co. ("UP"). The Railway Progress Institute Committee on Tank Cars and The Chlorine Institute have each reached tentative agreements with BNSF and expect to withdraw their complaints in the next few days. While a resolution of the issues has not been reached it appears that the availability of additional time beyond February 19 for the parties to continue their discussion would be beneficial in allowing meaningful exploration of such a resolution.

For all of these reasons, the undersigned, on behalf of all of the parties to these proceedings, respectfully request the Board to extend the effectiveness of its decision served on November 20, 2001, for another 45 days, until April 5, 2002. The parties will again undertake to report to the Board if it appears that a resolution of the issues involved will not be possible.

Rick.Wood@ThompsonHine.com Phone 202.331.8800 Fax 202.331.8330

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THOMPSON HINE LLP

1920 N Street, N.W.
Suite 800
Washington, D.C. 20036-1600

www.ThompsonHine.com
Fax 202.331.8330
Phone 202.331.8800

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Respectfully submitted,

Richard E. Weicher
Sidney L. Strickland, Jr.
THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY
2500 Lou Menk Drive
Fort Worth, TX 73131

Robert M. Jenkins, III
Nicole H. Fradette
MAYER, BROWN, ROWE & MAW
1909 K Street, N.W.
Washington, DC 20006

Attorneys for The Burlington Northern and Santa Fe Railway Company

Robert T. Opal
General Commerce Counsel
UNION PACIFIC RAILROAD COMPANY
1416 Dodge Street, Room 830
Omaha, NE 68179

Attorney for Union Pacific Railroad Company

Andrew P. Goldstein
John M. Cutler, Jr.
McCARTHY, SWEENEY &
HARKAWAY, P.C.
2175 K Street, N.W., Suite 600
Washington, DC 20037

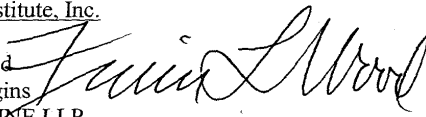
Paul M. Donovan
LAROE, WINN, MOERMAN
& DONOVAN
3900 Highwood Court, N.W.
Washington, DC 20007

Attorneys for
North America Freight Car Association

Nicholas J. DiMichael
THOMPSON HINE LLP
1920 N Street, N.W.
Washington, DC 20036

Attorney for
The Chlorine Institute, Inc.

Frederic L. Wood
Michael H. Higgins
THOMPSON HINE LLP
1920 N Street, N.W.
Washington, DC 20036



Attorney for
The National Industrial Transportation League

Attorneys for
E. I. du Pont de Nemours and Company

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Henry M. Wick
Vincent P. Szeligo
WICK STREIFF MEYER O'BOYLE
& SZELIGO, P.C.
1450 Two Chatham Center
Pittsburgh, PA 15219

Attorney for U.S. Clay Producers
Traffic Association, Inc.

Patrick M. Rahe
R. Latane Montague
HOGAN & HARTSON, LLP
555 Thirteenth Street, N.W.
Washington, DC 20004

Attorneys for
Railway Progress Institute Committee
On Tank Cars

Fritz R. Kahn, P.C.
1920 N Street, N.W.
Washington, DC 20036

Attorney for
BP Corporation North America, Inc.
